

In re Application of: CLARKE, D. G. *et al.*  
Application No. 10/779,508  
Page 3 of 4

### **REMARKS**

The Examiner has stated that claims 9-11 are allowable. Applicants will also like to draw the Examiner's attention to the telephonic communication with Examiner Cole on August 16, 2005, wherein the Examiner acknowledged that on page 2 of the Office Action, item number 7, that claims 9-11 were objected to, was a typographical error. The Examiner noted that claims 9-11 were allowable as per the Examiner's statement on page 4 of the Office Action, item number 6. Applicants respectfully request entry of these amendments. Applicants would duly like to thank the Examiner for her helpful contributions.

Claims 1-8 and 12-27 have been cancelled. In view of the cancellation of these claims, Applicants submit that any arguments to the Examiner's rejection of these claims is now moot, and as such Applicants will not proceed with any further arguments. Claims have been cancelled solely to overcome the Examiner's rejections and is not to be construed as surrender of any subject matter in the instant application. Based on these amendments, the rejection to the claims are now overcome.

### **CONCLUSION**

Applicants respectfully request entry of the foregoing remarks and reconsideration and withdrawal of all rejections. It is respectfully submitted that this application with claims 9-11 define patentable subject matter and is in condition for allowance. Accordingly, Applicants respectfully requests allowance of these claims and entry of these amendments.

This response is being timely filed within the shortened statutory period for reply and no fee is believed to be required by submission of these papers. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at telephone number shown below.

Although, Applicants believe that no extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any

(WP261865;1)

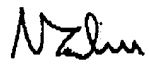
In re Application of: CLARKE, D. G. *et al.*  
Application No. 10/779,508  
Page 4 of 4

extension of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT

Dated: October 6, 2005

  
\_\_\_\_\_  
Nicholas A. Zachariades.  
Reg. No. 56,712  
222 Lakeview Avenue, Suite 400  
West Palm Beach, FL 33401-6147  
Tel: (561) 653-5000

5853-387-2

{WP261865;1}